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In re Application of SAITO et al :  
U.S. Application No.: 10/537,528 :  
PCT Application No.: PCT/JP03/10278 :  
Int. Filing Date: 13 August 2003 : COMMUNICATION  
Priority Date Claimed: 11 December 2002 :  
Attorney Docket No.: NAKAI-005US :  
For: CEMENT KILN CHLORINE/SULFUR :  
BYPASS SYSTEM :

This is in response to applicant's "Reply to Notice of Defective Response" filed 27 March 2006.

### **BACKGROUND**

On 13 August 2003, applicant filed international application PCT/JP03/10278, which claimed priority of an earlier Japan application filed 11 December 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 24 June 2004. The thirty-month period for paying the basic national fee in the United States expired on 13 June 2005 (11 June 2005 was a Saturday).

On 13 June 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 30 November 2005, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 27 December 2005, applicant filed an executed declaration.

On 15 March 2006, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which identified a discrepancy with respect to the first inventor's name.

On 27 March 2006, applicant filed the present response, including a corrected declaration.

### DISCUSSION

A comparison of the declarations filed 27 December 2005 and 27 March 2006 reveals that the 27 December 2005 declaration has been amended but not re-executed. The wording of an oath or declaration cannot be amended, altered or changed in any manner after it has been signed. MPEP 602.01. The incorrect naming of an inventor cannot be corrected by the submission of an application data sheet and thus a newly executed declaration is required.

### CONCLUSION

Because the 27 March 2006 response appears to be a bona fide attempt to reply to the Notification of Defective Response, applicant is given a time limit of ONE (1) MONTH from the mail date of this communication in which to file a proper declaration. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are NOT AVAILABLE under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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